

**MINUTES FOR THE REGULAR MEETING OF THE
CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA
PLANNING COMMISSION**

**COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE**

**THURSDAY, MAY 7, 2009
7:00 P.M.**

I. CALL TO ORDER

Chairperson Michele Tennyson called the public hearing to order at approximately 7:00 p.m.

II. ROLL CALL

MEMBERS PRESENT: Michele Tennyson, Chairperson
Patrick Sutliff, Vice Chairperson
Ron Abrahams
Brad Hendrix
John Kolodziej
Doug Ward

MEMBERS ABSENT: Raymond Spitzer

STAFF PRESENT: Deborah Mazoyer, Acting Deputy City Manager for
Community Development
Jon M. Froke, AICP, Planning Director
Garn Emery, Deputy City Attorney
Jim May, AICP, Deputy Director for Current Planning
Ron Short, FAICP, Deputy Director for Long Range Planning
Tabitha Perry, Principal Planner
Maryann Pickering, AICP, Zoning Administrator
Bill Luttrell, Senior Planner
Thomas Ritz, AICP, Senior Planner
Karen Stovall, Senior Planner
Karen Flores, AICP, Planner
Shaik Shabbeer, Planner
Peter Kulikowski, Associate Planner
Jessica Eastman, Graphics Designer
Lisa Hunt, Recording Secretary

III. APPROVAL OF MINUTES

Chairperson Tennyson explained policies and procedures then called for approval of the minutes from the Planning Commission workshop and public hearing held on April 2, 2009.

Commissioner Patrick Sutliff MADE a MOTION to APPROVE the minutes from the Planning Commission Workshop and Public Hearing held on April 2, 2009. Commissioner Doug Ward SECONDED the MOTION. The motion passed 5-0.

IV. WITHDRAWALS AND CONTINUANCES

Chairperson Tennyson asked staff if there were any requests for withdrawals or continuances. There were none.

V. PUBLIC HEARING ITEMS

Chairperson Tennyson called for the public hearing items.

1. **CUP09-03:** A request by Francis Murad, representing The Assyrian Church of the East, for the approval of a Conditional Use Permit (CUP) to operate a kindergarten through sixth grade charter school located in the RR-45 (Rural Residence) zoning district. The site is located at the southwest corner of 63rd Avenue and Greenbriar Drive (17334 North 63rd Avenue) and is 4.27 acres in size. Staff Contact: [Bill Luttrell](#), Senior Planner (Sahuaro District).

Mr. Bill Luttrell, Planner, presented the staff report.

Chairperson Michele Tennyson called for questions from the Commission.

Commissioner Doug Ward commented on the temporary modular buildings proposed. He stated that the buildings did not look permanent; and, they were not being built as permanent structures. Mr. Luttrell indicated that the buildings were temporary structures. He explained that through the design review (DR) process, they are able to accomplish certain architecture abilities that provide opportunities for enhancement. Commissioner Ward remarked that those comments did not sound reassuring and he was still concerned that these temporary buildings will be permanently affixed and remain there forever. Mr. Luttrell asked the applicant to explain further.

Chairperson Tennyson asked if the applicant would like to come forward to make a presentation.

Mr. Francis Murad, applicant's representative, responded to Commissioner Ward's concerns. He stated that the buildings were being built very much like permanent buildings with similar costs. He explained that they were being built as temporary structures; however, should they go to Phase II, their intention is to go to a more permanent design building, through the approval process. Commissioner Ward asked why not build a permanent building if there was little difference in cost. Mr. Murad explained that they were not sure how well the school would do; therefore, the first phase will be done at minimal cost. He noted that they wanted to see if this project was viable and warranted the additional investment to make it more permanent and attractive.

Vice Chairperson Patrick Sutliff asked that if approved, when he anticipates classes would start. Mr. Murad replied that they would start in the fall of 2010.

Chairperson Tennyson inquired as to the driving force to create this school when there was concern with the attendance. Mr. Murad explained their church was, fairly, old with masses in Aramaic. He stated that they consider their church unique and would like the opportunity to continue teaching their language and history of the church. He noted that there were close to 700 families living in the valley with 120 families in the City of Glendale. Chairperson Tennyson remarked that language was indeed a gift and recognized his commitment in keeping it alive.

Chairperson Tennyson asked staff what would happen if they received strong support and decide to move forward with permanent buildings. Mr. Jim May, AICP, Deputy Director for Current Planning, stated that they would need to go through the DR process. He indicated that the City's intent is to construct any building to look like it was intergraded totally with the existing buildings on the site.

Vice Chairperson Sutliff asked that if the nine classrooms they have currently were filled to capacity. Mr. Murad stated that the current classrooms were adequate for the 160 students. The new, temporary buildings would be strictly for office space.

Commissioner Ward remarked that although he did not have a problem with the CUP, he had concerns with the temporary modular buildings. He asked that if it were possible to modify the motion to not include the modular buildings, and let that happen at a later date during the DR process. Mr. Murad reiterated that the modular buildings were being used in Phase I to see how well or viable this will be received. He noted that any modification to do otherwise in the form of permanent buildings, would present a hardship for them. Commissioner Ward stated that he understood his predicament; however, these buildings were not being presented as temporary buildings. He noted that the building was going to be architecturally modified to match the rest of the site and, therefore, would remain there forever. Mr. Murad explained that the buildings would have to match the site either way and once again cited his concerns on the certainty of the project. He added that should they be successful in Phase I, they will come back to the City for additional design approval for permanency. He indicated that the buildings would be surrounded by existing buildings and could not be seen from Greenbriar Street. He asked for the Commission's indulgence in this matter.

Chairperson Tennyson asked how the buildings were sheltered from the east and west side. Mr. Murad explained that there were large, 30-foot trees along the perimeter as well as a wall around the facility.

Chairperson Tennyson asked Mr. Jim May, Deputy Director for Current Planning, for guidance in this matter. Mr. May explained that the first phase buildings were for offices only, with additional classroom facilities added for additional enrollment. Chairperson Tennyson commented that temporary buildings already exist within the public school system, therefore there was a precedent set for this. Mr. May stated that she was correct.

Commissioner Ward stated that he still believes there was no intent to do anything permanent, even if this should go to Phase II. Mr. May stated that their intent in the design review process was to get the exterior to match and integrate the buildings to the surroundings. He explained that they know of several other churches that have used similar approaches to this development. He noted

that the buildings do stay for a long time and with the technology provided; these units can be very durable facilities and help breach some of the cost in construction. He stated that he was confident through the DR process; they can get the buildings to look like a permanent building on the site.

Chairperson Tennyson commented that they were possibly using the wrong terminology when using “temporary” as opposed to “modular”, since modular buildings were sometimes permanent buildings. Mr. May agreed.

Commissioner John Kolodziej asked if they would be building the first or second modular in 2010. Mr. Murad replied it would be the first modular. He added they do not expect to enroll more than 160 students in the first or second year until they are certain it will be run efficiently.

Chairperson Tennyson asked for any questions or comments from the Commission. There were none.

Chairperson Tennyson opened the public hearing. As there were no comments from the public, the public hearing was closed.

Chairperson Tennyson asked the applicant for any closing statements. Mr. Murad stated that they were asking for their approval to continue and maintain their culture, heritage and language. He explained his church was very old and most of the members of the church are immigrants and refugees. He indicated they have schools in other cities, such as Los Angeles and Chicago. He noted there were three other sister churches in the valley using Aramaic in mass whose members would be interested in having their children learn this language.

Chairperson Tennyson asked for any additional comments from the Commission.

Commissioner Ward commented that they live in a city that prides itself on the types of structures it erects and does not believe this was a good precedent and will not support it. He noted he could support the conditional use permit for the school; however, could not support the modular buildings since they are not a long term permanent solution.

Vice Chairperson Sutliff stated that he agreed with Commissioner Ward. He indicated in the staff report it stated that the applicant sees this as a long term interest for the neighborhood. He noted all indications point to permanency.

Chairperson Tennyson called for a motion on CUP09-03.

Vice Chairperson Sutliff MADE a MOTION to APPROVE Case No. CUP09-03 subject to the stipulations as recommended by staff. Commissioner Kolodziej SECONDED the motion. The motion passed 3 to 2. (Sutliff and Ward voted “nay”.)

Mr. Garn Emery, Deputy City Attorney, stated that the action taken by the Planning Commission is final on behalf of the City of Glendale. He said that anyone wishing to appeal the action must do so by filing a written Notice of Appeal with the Planning Department within fifteen (15) days.

2. **ZON08-24:** A request by Snell & Wilmer, LLC, representing Dirt 101 Investment, LLC, to rezone 20 acres from A-1 (Agricultural) to M-2 (Heavy Industrial). The site is located at the north side of Glendale Avenue, approximately 1,300 feet west of the 115th Avenue alignment (11748 West Glendale Avenue). Staff Contact: [Karen Stovall](#), Senior Planner (Yucca District).

Ms. Karen Stovall, Senior Planner, presented the staff report. The Planning Department mailed notification letters to adjacent property owners and interested parties on January 26, 2009. The applicant received one phone call from an adjacent property owner expressing a concern of non-compatible land uses being developed on the site. The caller was informed that the intended land use remained industrial in nature. Following the notification of the April 2, 2009, public hearing, the Planning Department was contacted by an individual opposing the request. The individual stated that he was opposed to any rezoning that could lead to development near Luke Air Force Base, regardless of its compatibility. She stated that the development shall be in substantial conformance with the project narrative date stamped January 29, 2009. This request meets the required findings for approval and should be approved, subject to staff's stipulations as listed in the staff report. Staff recommends the Planning Commission recommend approval of this request.

Chairperson Michele Tennyson called for questions from the Commission. As there were none, she asked the applicant to come forward and make a presentation.

Mr. Nick Wood, applicant's representative with Snell & Wilmer, LLC, stated that this was part of an annexation with the City of Glendale owning the land to the west and south. He explained that with the combination of their application and existing corporate limits, they were assisting the City of Glendale in annexing their parcel into the proper limits of the City. He summarized the project's plan using the map and explained the heavy industrial area. He indicated the M-2 zoning district is the most appropriate district to implement the HI General Plan land use designation for this site and that the proposed site plan will be compatible with other existing and planned developments in the area. He noted that they had created three lots for office developments with good looking landscaping. He added that they were in agreement with the staff report and their findings.

Chairperson Tennyson asked for any questions or comments from the Commission. As there were none, she opened the public hearing. There were no comments from the public; therefore, the public hearing was closed.

Chairperson Tennyson asked for any additional comments from the Commission.

Commissioner Doug Ward commented that this was an excellent zoning change and will wholeheartedly support it.

Chairperson Tennyson called for a motion on ZON08-24.

Commissioner John Kolodziej MADE a MOTION to APPROVE Case No. ZON08-24: subject to the stipulations as recommended by staff. Commissioner Ward SECONDED the motion. The motion passed 5 to 0.

Mr. Garn Emery, Deputy City Attorney, stated that the Planning Commission's actions are not final. He explained that the Commission's recommendations will be forwarded to the City Council for further action.

Chairperson Michele Tennyson stated that the following cases will be presented together by Ms. Maryann Pickering, AICP, Zoning Administrator.

3. **GPA08-09:** A request by Gammage & Burnham, representing John F. Long Family Revocable Living Trust, to amend the General Plan Land Use Map from LI (Light Industry) to BP (Business Park). The site is located at the southwest corner of Glendale Avenue and Glen Harbor Boulevard (11401 West Glendale Avenue). Staff Contact: [Maryann Pickering](#), AICP, Zoning Administrator (Yucca District).
4. **ZON08-14:** A request by Gammage & Burnham, representing John F. Long Family Revocable Living Trust, to rezone from M-1 (Light Industrial) to PAD (Planned Area Development). The site is located at the southwest corner of Glendale Avenue and Glen Harbor Boulevard (11401 West Glendale Avenue). Staff Contact: Maryann Pickering, AICP, Zoning Administrator (Yucca District).
5. **ZON08-15:** A request by Gammage & Burnham, representing John F. Long Family Revocable Living Trust, to approve an SUD Overlay (Special Use District Overlay) for a sand and gravel operation on approximately 99 acres. The site is located at the southwest corner of Glendale Avenue and Glen Harbor Boulevard (11401 West Glendale Avenue). Staff Contact: Maryann Pickering, AICP, Zoning Administrator (Yucca District).

Ms. Maryann Pickering, AICP, Zoning Administrator, stated that she would be making one presentation for agenda items 3, 4, and 5. These are three requests for properties located at the southeast corner of 115th and Glendale avenues. She explained that GPA08-09 and ZON08-14 will amend the General Plan Land Use Map and approve a PAD to accommodate a mixed-use development on approximately 216 acres. She noted that these two items were consistent with the General Plan. She stated that ZON08-15 was for a request for an SUD to allow for a sand and gravel mining operation on approximately 99 acres. Staff's findings were that this item was not compatible with the existing land uses in the area and would be detrimental to the surrounded land uses, specifically Glendale's airport. She indicated that all three were requests from John F. Long Properties. Staff's recommendation is to recommend approval of Case No.'s GPA-08-09 and ZON08-14, subject to staff's stipulation as listed in the staff report and to deny case ZON08-15 and forward the request for denial to the City Council.

Chairperson Tennyson asked for procedural guidance on how to proceed with questions on these items. Mr. Stephen Anderson, applicant's representative, suggested that agenda items 3 and 4 be discussed jointly, while agenda item 5 was on a separate report. Chairperson Tennyson agreed.

Chairperson Tennyson called for questions from the Commission on agenda items 3 and 4. As there were no questions, she asked the applicant to come forward and make a presentation.

Mr. Stephen Anderson, applicant's representative with the Law Firm of Gammage & Burnham, stated that Mr. Jake Long, applicant, had wanted to attend today, however, he had a previously arranged trip out of state and regrets not being here. He explained that there were two districts identified in the PAD plan adjacent to the west side of the Glendale Airport. The development plan for Copperwing includes a business park of 133 acres, light industrial of 79 acres and right-of-way of 4 acres for a total of 216 acres. These parks will target administrative and research industries, light manufacturing, warehousing, wholesale activities, distribution, and support commercial office use. He noted that the Longs were committed to the success of the airport as they have provided the land on where the airport sits, most of which they donated to the City of Glendale.

Mr. Anderson stated that this site was off the Loop 101 with excellent freeway access. He noted that they were also within a half mile, from every direction, from any residential neighborhood. He provided details of the surrounding areas illustrated on the map. He explained that the east side remained undeveloped at this time, is owned by the City and is intended for direct aviation development. He noted that it was their intent to be a complementary, non-competitive use to the direct aviation uses that are planned on site. He indicated that Rightpath had no objections to their proposal and in fact, there have been no objections or community comments on any of the three applications. He mentioned that this site also included a 460-foot wide power line easement through which 120 feet tall power lines ran through. He explained that they could park underneath the site; however, they could not build any structures on this portion of the site.

Mr. Anderson commented on this project and Luke Air Force Base (AFB). He noted their site was just outside of Luke AFB. He explained that they had met with Mr. Rusty Mitchell at Luke AFB, who indicated that the proposal presented no risk of interference with base operations. He stated that they were very considerate of Luke AFB, as was the City.

Mr. Anderson continued his presentation stating that the business park area does propose a range of uses that were broader than those allowed by the current M-1 industrial zoning, but were consistent with the uses seen at other successful airpark developments around the valley. The different uses being proposed trigger the requirement for a minor General Plan Amendment, which was item 3 on the agenda.

Mr. Anderson discussed the WESTMEC site in the west valley. He stated that they had an exciting opportunity at this facility which included WESTMEC. He explained they have been working very hard with WESTMEC to develop a vocational education program with aviation related employment opportunities. He summarized the timeline of the project, which started in June of 2008. He noted that they had gone through three separate written reviews for all departments in the fall of 2008 and had been set for a hearing on January 15, 2009. However, the Commission was gracious enough to grant them a continuance. He explained that agenda items 3 and 4 were tabled because of an exciting opportunity to obtain a major employer who was considering relocating to Glendale. However, the City was not in the position to grant any economic incentives to this employer because of the current state of the economy.

Mr. Anderson indicated that he was pleased to be here before the Commission with a staff recommendation for approval of agenda items 3 and 4. He stated that they had been working with

staff on the stipulations as late as yesterday morning. He thanked staff for their continued diligence and hard work on the stipulations. He reported on the changes in staff report stipulations 16, 17 and 19. He added that they will continue to work with staff on these changes. He hopes the Commission will recommend approval and adopt the agreed revisions to stipulations 16 and 19 while they keep working on stipulation 17 as the case moves forward to City Council.

Chairperson Tennyson asked for any questions or comments from the Commission. As there were none, she opened the public hearing. There were no comments from the public; therefore, the public hearing was closed.

Chairperson Tennyson asked for any additional comments from the Commission.

Commissioner Doug Ward commented that he was impressed with this project, even with the proximity to the airport. He believes that this was a good project for the City and that in time it will add to the development of the airport. However, he was aware that they still needed to hear a presentation regarding agenda item 3.

Chairperson Tennyson called for a motion on GPA08-09.

Commissioner John Kolodziej MADE a MOTION to RECOMMEND APPROVAL of Case No. GPA08-09 subject to the stipulations and revisions as recommended by staff. Commissioner Ward SECONDED the motion. The motion passed 5 to 0.

Mr. Garn Emery, Deputy City Attorney, stated that the Planning Commission's actions are not final. He explained that the Commission's recommendations will be forwarded to the City Council for further action.

Chairperson Tennyson called for a motion on ZON08-14.

Commissioner Kolodziej MADE a MOTION to RECOMMEND APPROVAL of Case No. ZON08-14 subject to the stipulations and revisions as recommended by staff. Commissioner Ward SECONDED the motion. The motion passed 5 to 0.

Mr. Garn Emery, Deputy City Attorney, stated that the Planning Commission's actions are not final. He explained that the Commission's recommendations will be forwarded to the City Council for further action.

Ms. Maryann Pickering, AICP, Zoning Administrator, stated that she would be happy to answer any questions on agenda item 3.

Commissioner Ward inquired as to stipulation 13 and why the word "may" was used instead of "request". Ms. Pickering stated that this was an area where the City would work with the applicant rather than shut down the plant without coming to an understanding first. Commissioner Ward asked about stipulation 14 and building heights. He recommended that staff add "or structures" to the stipulation. Ms. Pickering stated that stipulation 14 had been removed since the applicant had already received these same forms from the Federal Aviation Administration (FAA). The FAA

has determined that for the sand and gravel operation, the height is acceptable. However, staff has included that if the sand and gravel operations dramatically change, they will have to go back to the FAA for another determination.

Chairperson Tennyson asked the applicant to come forward and make a presentation.

Mr. Stephen Anderson, applicant's representative with the Law Firm of Gammage & Burnham, stated that they were proposing a limited state-of-the-art sand and gravel operation. It is located south of the southeast corner of 115th and Glendale avenues and is approximately 99 areas in size. He explained in an unusual twist, this operation will allow them to self finance the infrastructure for the Copperwing project. There will be no City dollars used in the Copperwing project or any debt financing. He explained that the vast majority of sand and gravel projects are started on land that does not have an underlying landowner who has a plan for that property or the adjacent property. He noted they were motivated to protect the neighbors and by protecting the neighbors, they protect the City.

Mr. Anderson discussed the unique limitations the Longs have put on the site with the cooperation of their business partner, CEMEX. This site has an absolute maximum operation of a 10-year lease. Once the operations have ceased, the applicant will file a rezoning application for this portion of the site. Additionally, the sand and gravel does not consume the entire site at any one time and also cannot exceed 30 acres at one time. There is no processing at the site; therefore, there will be no noise or retail traffic. The majority of the processing equipment will be located below grade in the mining operation. This site will only be used to retrieve the sand and gravel out of the site to be taken elsewhere to be processed and sold. He explained that as indicated in the previous case, they filed all three applications in June of 2008 and went through three separate written staff reviews and a citizen review process with no citizen comments. Additionally, Luke Air Force Base determined this sand and gravel operation does not interfere with their operations in anyway. He reiterated that the proposed sand and gravel operation will not be detrimental to the development of the business park and that the monies derived by the 10-year operation of the business will greatly assist in the development of the proposed business park.

Mr. Anderson explained the timeline of the applications and their continuances. He indicated that the first time this application was to be heard by the Commission, it had a recommendation of approval. He explained they were aware of only two facts that have changed since the February 19, 2009 hearing, which had been continued. The first was that the FAA made a determination of "No Hazard" on the site immediately after the February hearing. The second was that CEMEX, on April 22, 2009, made an unprecedented financial commitment to the City. Consequently, staff's reversal on its recommendation is puzzling and unfounded.

Mr. Anderson discussed staff's report and their six findings and analysis. He remarked on the issue of compatibility. He believes that they are compatible because of the existing adjacent facilities. He indicated that staff had also discussed ordinance issues for this SUD application. He explained that this site complies with the ordinances since it will not increase traffic, noise levels or generate additional light from the site. He indicated there was no evidence of noise or light generated by the site. In addition, traffic studies completed for the site indicate there was no substantial additional traffic that would be generated by the site. He discussed how height was not

an issue since the City ran a 134-foot tall landfill, 2,000 feet north of the site, as well as a 120-foot high set of power lines immediately east of the site. He noted their operation was simply digging a hole in the ground. He questioned the hours of operations and the stipulation to shut down for a City event. He added that no applicant ever agreed to a stipulation of this nature. He stated that in regards to the site being of inadequate size for a sand and gravel mining operation, he provided a staff reported in February, which stated that it was of adequate size for a sand and gravel operation. He also commented on how the site had appropriate buffers and mitigation measures. The last finding was that the site would cause disruption of the development character of the adjacent properties. He stated that this was very unusual because the adjacent property and development was Long Properties. He referred to a letter sent to the Planning Commission by John F. Long and The Alter Group. The letter stated, in short, that they were collectively prepared to invest tens of millions of dollars to develop and attract corporate jobs to the City of Glendale. This will be done to assist the City's economic development vision for this area. In addition, they strongly believe the proposed SUD will not have a determinable effect on the City's goals, and will in effect, save the City money in the long term and generate revenue through job creation.

In conclusion, he stated that he believes they not only meet, but clearly exceed the six findings in the staff report for an SUD application. He indicated that the only conclusion should be approval, but instead, the new staff report of denial departs from the ordinance and goes into a new discussion about visions. He stated that there was nothing in staff's analysis and narrative citing any adopted City document of any kind. He read from the staff report and cited inconsistencies and discrepancies. He reiterated that this mining operation was only intended to last 10 years. He indicated that they strongly disagree with staff's conclusion that the project was not compatible with City Council's adopted goals of attracting quality economic developments to the City and it would detract from potential economic development prospects. He stated that he would like the Commission to ask staff how they came to this conclusion when the applicant provided information clearly showing facts to the contrary. He once again reviewed the stipulations set forth and added they were disappointed with staff's reversal from their previous reports in January and February, which they felt were a reflection of the professional standards set forth in the zoning ordinance.

Commissioner Ward asked Mr. Anderson to describe the mining operation. Mr. Anderson asked Mr. Bill Peck from CEMEX to explain. Mr. Peck indicated that the material will be loaded and hauled off to their processing site, north of Glendale. Commissioner Ward asked if the only equipment on this property will be frontend loaders and trucks to haul the material away. Mr. Paz agreed. Commissioner Ward remarked there would be no screening or crushing on site. Mr. Paz agreed.

Vice Chairperson Patrick Sutliff inquired as to how deep the operation went. Mr. Peck responded that the overall depth was 50 feet, which would take the 10 years. Mr. Anderson interjected, stating this was an unusual operation opportunity and explained that for this to work, CEMEX would have to shift mining away from other sites, since they only have the 10 years with which to work.

Commissioner John Kolodziej asked if it was fair to say they would be making approximately 74 trips daily and this plant will be operating six days a week, 24 hours a day. Mr. Peck explained it

would possibly be operated five days a week, 10 hours a day. Mr. Anderson said that the site was a large, 100-acre parcel that would be making the 74 trips per day.

Chairperson Tennyson inquired about dust and airborne particles that would be generated both by the mining process and the transportation of material. Mr. Peck stated that it might happen to some degree if the wind was blowing; however, they have restrictions from the county to shut down at that point. He added the operation will be watered throughout the entire day.

Chairperson Tennyson asked what was meant by the word “reclamation” for the 10-year mining operation. Mr. Anderson explained that the mining had to stop in about eight and a half years so the reclamation could be finished. Mr. Peck added that at the end of the mining operation, backfill will be used to reclaim the mining pits and the intent is for it to occur right behind the mining.

Chairperson Tennyson asked if the trucks used to transport the infill were open bed trucks. Mr. Peck indicated the trucks would have a tarp covering the top.

Chairperson Tennyson commented on staff’s reference of fines generated from dust and airborne particles. Mr. Peck reiterated that they water continually and have laws with which they must comply. Mr. May explained that there had been a heavy construction period that provided for concerns with the air quality. Subsequently, federal mandates were added to clear the air in Maricopa County.

Commissioner Ward asked if all trucks leaving and coming would use a tarp. Mr. Peck stated that they will not tarp the loads leaving since they will not be going onto the streets. Commissioner Ward asked if they were not using a tarp when leaving the site, will they be using a spray bar. Mr. Peck responded by saying that they could do that, but the material is already very damp.

Chairperson Tennyson asked for any additional comments from the Commission or staff.

Mr. May stated that he would like to address some of the comments made by Mr. Anderson. He explained that this situation really started two years before they filed the case in February of 2008. He stated that at that time, staff had aggressively communicated to them that they did not support this application which was first brought to them in February of 2006. He indicated that staff had aggressively worked with them on different scenarios on how the City could make it work for them. He said that the Planning Department’s policy has always been to work with applicants to get an approval the best way possible. Additionally, they do not like to bring forward recommendations for denial from the Planning Commission; however, at the end, they could not find an agreement with this applicant. He stated that in terms of the staff findings, they believe there is a detrimental impact on the adjacent property, which is the City of Glendale Municipal Airport. He explained that there was real potential for negative impacts on the airport, despite what the applicant had stated. He indicated that after further review, it was concluded there might be foreign objects on the runway, causing them to take other measures to do more maintenance at the airport that normally would not be done. He further provided details on the haul road that has not been approved by the City, which would have them use part of Glendale Avenue.

Mr. May stated that the Planning Department's position is that they still recommend denial and have a legitimate right to protect the City assets in the community, one being the airport. He said that it was critically important to the economic development, department, airport and City, that they protect that asset the best they can. He explained the tremendous amount of work done on the 101 Corridor and believes it directly influences the airport area. He noted there were many people who go into the airport from that route and formed an impression of Glendale. He noted this project will negatively influence some of those people's perceptions. He stated that the Planning Department still recommends denial of this application, however, will listen to any suggestions the Commission may have.

Chairperson Tennyson opened the public hearing. As there were no comments from the public, the public hearing was closed.

Chairperson Tennyson called for a motion on ZON08-15.

Mr. May explained the voting procedure.

Commissioner Kolodziej MADE a MOTION to RECOMMEND DENIAL of Case No. ZON08-15 subject to the stipulations as recommended by staff. Vice Chairperson Sutliff SECONDED the motion. The motion was denied 4 to 1. (Ward voted "nay")

Commissioner Ward stated that of what he has seen on his trips to the site and his research, he has not seen any evidence this operation will hurt the airport. He stated that he will have a very difficult time denying this application. He explained that it was extremely unlikely that, with the limited process done on site, any kind of debris would get to the airport runway. He indicated that the applicant was bound by law to regulate the issue of pollution.

Commissioner Kolodziej stated that he had become very involved and informed in all of the western developments coming into the City. However, this project was not what he envisioned for the area and stated that he would be recommending denial.

Chairperson Tennyson remarked that Mr. Anderson certainly made several compelling points. She explained that although the City stands to make a profit from this operation, she wonders how much will be absorbed because of the operation. She also commented on the issue of shutting down the operation when it might be called for and the responsibility of it falling on the applicant. She stated that she would be supporting the motion as recommended.

Chairperson Tennyson asked for any additional comments. As there were none, Mr. Garn Emery, Deputy City Attorney, stated that the Planning Commission's actions are not final. He explained that the Commission's recommendations will be forwarded to the City Council for further action.

VI. OTHER BUSINESS

Chairperson Tennyson called for Other Business. Mr. May stated that the next meeting would be a workshop and public hearing, which was scheduled for June 4, 2009.

VII. PLANNING STAFF REPORT

Chairperson Tennyson stated that Mr. May will not be at the next meeting and asked Mr. Jon M. Froke, AICP, Planning Director, to come forward and explain. Mr. Froke stated that Mr. May will be relocating and has accepted the position of Planning Director for Centre Regional Planning Agency in State College, Pennsylvania. He thanked Mr. May for the last five and a half years of service with the Planning Department. He noted that the Planning Department was established in 1974 and over 35 years has produced excellent and qualified individuals to pursue other Planning Department roles throughout the valley and country. Mr. Froke stated that it was a testament to the exceptional Commissioners that had served throughout the years. He said that it had been a goal of Mr. May to be a Planning Director and this move would be fulfilling a career goal. He discussed Mr. May's many accomplishments. In closing, Mr. Froke thanked him personally for all he has done for the City and wished him the best in his career and family.

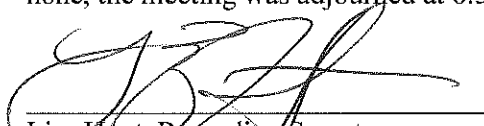
VIII. COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Tennyson called for Commission Comments and Suggestions. Commissioner Ward congratulated Mr. May on his career goals and wished him luck with all his endeavors. Vice Chairperson Sutliff stated that it has been a great pleasure working and learning from Mr. May and wished him all the best. Chairperson Tennyson also thanked him and wished him the best. She stated that she has known him for over four years and has learned a tremendous amount from him. She said that it had been a real pleasure working with him and that he will be greatly missed. Commissioner Brad Hendrix commented that he had only met Mr. May yesterday; however, if his staff was any indication of the type of person he was, he would have to say that he was an excellent individual. Commissioner Kolodziej stated that he has only known Mr. May for a short period of time; however, it was clear to see that the City does a great job in hiring their employees. He noted that the negative part was that other cities seem to always be stealing them away. He added that Mr. May will be greatly missed.

Mr. May thanked everyone for their kind words and stated that it had been an honor working with them. He noted that it has been a pleasure watching Glendale's growth to such a power player in the valley and region. He said that he could not have done it without a team environment in terms of the Planning Commission and staff.

IX. ADJOURNMENT

Chairperson Tennyson called for any other comments, reports, or further business. As there were none, the meeting was adjourned at 8:52 p.m.



Lisa Hunt, Recording Secretary